

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant(s): BRADLEY, Stuart Edward | CERTIFICATE OF TRANSMISSION |
| Appl. No: 10/591,895 | I hereby certify that this paper is being filed via EFS-Web in the USPTO on the date shown below. |
| International Filing Date: March 8, 2005 | Date of Deposit: September 9, 2010 |
| For: Pyrrolopyridine-2-Carboxylic Acid Hydrazide Inhibitors Of Glycogen Phosphorylase | Signature of Person Filing: |
| Art Unit: 1625 | <u>/Doreen Dauscher/</u> |
| Examiner. : DAVIS, Zinna Northington | |
| Confirmation No.: 7987 | |

Via EFS-Web

Commissioner for Patents
United States Patent and Trademark Office
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached modified form PTO/SB/08 ("citation form"). A copy of each listed publication is submitted, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached citation form in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in 37 CFR §1.56.

US 2005005469 is a family member of WO 2003/037864 that is cited in the International Search Report in PCT/GB2005/000885.

US 6,150,387 is a family member of WO 1997/028798 that is cited in the International Search Report in PCT/GB2005/000885.

A. ☒ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

- ☐ It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);
-- OR --
- ☐ It is being filed within 3 months of entry of that national stage as set forth in §1.491 in an international application;
-- OR --
- ☐ It is being filed before the mailing of a first Office action on the merits;
-- OR --
- ☒ It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

B. ☐ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

- ☐ A statement as specified in §1.97(e) provided concurrently herewith;
-- OR --
- ☐ A fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

C. ☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

- ☐ A statement as specified in §1.97(e);
-- AND --
- ☐ A fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

D. ☐ 37 CFR §1.97(e) Statement:

- ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);
-- AND/OR --
- ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);

-- AND/OR --

- ☐ A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. §1.97(e)(1) as provided for under MPEP 609.04(b)V.

E. ☐ Statement under 37 C.F.R. §1.704(d): Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in §1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the requirements of 37 C.F.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F. ☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

- ☐ Copies of each of the references listed on the attached citation form are enclosed herewith;

-- OR --

- ☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached citation form are NOT enclosed;

-- AND/OR --

- ☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached citation form are enclosed in accordance with 37 CFR §1.98(a)(2);

-- AND/OR --

- ☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98 (a)(2).

G. ☒ 37 CFR §1.98(a)(3). The content of the Information Disclosure Statement includes non-English language patents and/or references:

- ☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English as provided herewith;

- ☐ Pursuant to MPEP609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report;

-- OR --

- ☐ A concise explanation of the relevance of each patent, publication or other information provided that it is not in English is as follows: _____;

- ☒ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H. ☐ 37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 CFR §1.98(a) are not provided herewith because:

- ☐ Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for earlier effective filing date under 35 U.S.C. 120;

Application in which information was submitted: _____;

Information Disclosure Statement(s) filed on: _____;

-- AND --

- ☐ The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR §1.98.

I. ☐ Fee Authorization: The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 to Deposit Account No. 502783.

J. ☒ The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 502783.

Respectfully submitted,

/Jeffrey M. McQuiston/

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Date: September 9, 2010
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